REMARKS

Claims 1-20 are all the claims pending in the application, claims 1, 8, and 14 being the only independent claims. Applicant has presented a current claim listing for the convenience of the Examiner. No amendments to the claims are currently submitted.

Applicant notes with appreciation that the previous objection to the drawings has been withdrawn.

Claims 1, 3-9, and 11-19 stand rejected under 35 U.S.C. §102(e) as being anticipated by Skelley (U.S. patent 6,795,638). Claims 2, 10, and 20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Skelley in view of Escobar (U.S. patent 5,659,793). Applicant respectfully traverses these rejections, and requests reconsideration and allowance of the pending claims in view of the following arguments.

Rejection under 35 U.S.C. §102(e) as being anticipated by Skelley

The Examiner rejects claims 1, 3-9, and 11-19 under 35 U.S.C. §102(e) as being anticipated by Skelley.

Claim 1 is directed to a method for editing digital broadcasting material and recites "recording the clipped segments as new programs" and "selecting some of the recorded programs, and merging the selected programs into a new program." In maintaining the rejection to the identified claims, page 2 of the Office Action provided comments to Applicant's previously submitted response in this matter. Applicant has reviewed these comments, but respectfully submits that the Examiner has mischaracterized the extent of the teachings of the Skelley patent.

Page 2 of the Office Action relies upon various passages of Skelley which refer to "events" and "clips." The Action further states that "Skelley teaches a target recording in which the selected sequences of clips, and selected information from the event database associated with the clips are recorded." The Action cites Fig. 2 and col. 6, lines 26-34 of Skelley for support for this position. However, examination of the actual text of the cited passage is instructive to identify the extent of the teachings of Skelley. Skelley at col. 6, lines 26-34, provides:

> "In step 230, the database of events, and the clips on the source recording, are reviewed, edited and sorted into a preferred sequence. In doing so, the operator may modify the length of each clip and add additional information for the corresponding event into the event database. In step 240, the selected sequence of clips, and selected information from the event database associated with the clips, are recorded onto the target recording." (emphasis added).

The above passage, which is relied upon by the Office Action, clearly identifies that the selected sequence of clips are recorded onto the target recording. Simply put, clips are selected, and then the selected clips are recorded on the target recording. This is not the invention recited in claim 1.

To the contrary, claim 1 recites (a) "clipping segments"; (b) "recording the clipped segments as new programs"; and (c) "selecting some of the recorded programs, and merging the selected programs into a new program." Applicant emphasizes that in limitation (c) "selecting some of the recorded programs" refers to the recorded programs in limitation (b).

For the sake of argument, Applicant submits that Skelley at best provides either (a) and (b) OR (a) and (c). However, Skelley provides absolutely no teaching or suggestion relating to all three (a), (b), and (c) limitations.

Applicant addresses the first scenario: Skelley discloses (a) and (b). Applicant assumes *arguendo* that the identified portions of Skelley provide (a) "clipping segments."

Applicant further assumes *arguendo* that in Skelley, the passage "the selected sequence of clips . . . are recorded onto the target recording" teaches limitation (b) "recording the clipped segments as new programs."

Even if this were possible, Skelley does not provide for the claim 1 limitation of: (c) "selecting some of the recorded programs [i.e., some of recorded programs in limitation (b)], and merging the selected programs into a new program." For this to be possible, Skelley would have to describe selecting some of the clips which are recorded onto the target recording, and then merging these clips into a new program. However, Skelley provides no such teaching. Skelley simply selects clips (limitation (a)), and then records the clips onto a target recording (limitation (b)). Consequently, Skelley does not teach or suggest limitation (c).

Applicant addresses the second scenario: Skelley discloses (a) and (c). Applicant again assumes *arguendo* that Skelley provides (a) "clipping segments." Applicant also assumes *arguendo* that "the selected sequence of clips . . . are recorded onto the target recording" teaches limitation (c) "selecting some of the recorded programs, and merging the selected programs into a new program."

In this scenario, Skelley does not teach or suggest (b) "recording the clipped segments as new programs." This is because in Skelley, the clips are from a source video, and they are not saved as new programs before they are recorded onto the target recording. The only time that the clips in Skelley are recorded is when the clips are recorded onto the target recording (limitation (c)). However, the Office Action is using this operation of Skelley to teach limitation (c), thus this operation cannot also be used to teach limitation (b). It is improper to utilize the same operation in a reference (recording clips onto a target recording) to teach two separate and distinction limitations; namely, limitations (b) and (c).

Applicant submits that based upon the points raised in the Office Action, Skelley at best provides, with regard to claim 1, either limitations (a) and (b) OR limitations (a) and (c). As clearly demonstrated above, Skelley cannot teach or suggest all three limitations (a), (b), and (c).

In view of the foregoing, Skelley fails to teach or suggest the identified features recited in claim 1, and therefore this claim is believed to be patentable. Independent claims 8 and 14 are believed to be patentable for similar reasons. For example, Skelley does not teach or suggest "recording the clipped predetermined periods" and "merging selected periods of the recorded predetermined periods into a merged program" as required by claim 8. Furthermore, Skelley does not teach or suggest "recording the clipped streams" and "merging the recorded clipped streams" as recited in claim 14. For these reasons, independent claims 1, 8, and 14 are believed to be patentable, and dependent claims 3-7, 9, 11-13, and 15-19 are patentable at least by virtue of their dependence on the patentable independent claims.

Rejection Under 35 U.S.C. §103(a)
as being unpatentable over Skelley and Escobar

The Examiner rejects claims 2, 10, and 20 under 35 U.S.C. §103(a) as being unpatentable over Skelley in view of Escobar.

Applicant notes that Escobar does not supply any of the deficiencies of Skelley identified above in conjunction with independent claims 1, 8, and 14. Therefore, for the reasons presented above, even if one skilled in the art were to combine the teachings of Skelley and Escobar in the manner asserted, claims 2, 10, and 20 would be patentable at least by virtue of their dependence upon their respective independent claims.

CONCLUSION

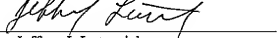
In light of the above remarks, Applicant submits that the present Amendment places all claims of the present application in condition for allowance. Reconsideration of the application is requested.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California, telephone number (213) 623-2221 to discuss the steps necessary for placing the application in condition for allowance.

Respectfully submitted,

Lee, Hong, Degerman, Kang & Schmadeka

Date: July 19, 2006

By: 

Jeffrey J. Lotspeich
Registration No. 45,737
Attorney for Applicant

Customer No. 035884